

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

BRANDON CALLIER,

§

Plaintiff,

§

v.

EP-20-CV-00106-FM

SUNPATH LTD; NATIONAL CAR  
CURE LLC; NORTHCOAST  
WARRANTY SERVICES, INC.;  
JOHN DOES #1-4,

§

Defendants.

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**ORDER OF DISMISSAL FOR FAILURE TO PROSECUTE**

The court considers the status of this cause. On November 10, 2020, the court ordered Brandon Callier (“Plaintiff”) to file notice of his continued intent to prosecute defendants “John Does #1-4” no later than December 15, 2020.<sup>1</sup> The record reflects Plaintiff did not do so. As Plaintiff failed to name all defendants after a reasonable period of time and opportunity to do so, all claims against “John Does #1-4” shall be dismissed for failure to prosecute.<sup>2</sup>

Accordingly, it is **HEREBY ORDERED** that all claims against “John Does #1-4” are **DISMISSED WITHOUT PREJUDICE**.

**SIGNED AND ENTERED** this 4th day of **January 2021**.



**FRANK MONTALVO**  
**UNITED STATES DISTRICT JUDGE**

<sup>1</sup> “Order to File Notice of Intent to Prosecute” 1, ECF No. 51, entered Nov. 10, 2020.

<sup>2</sup> See *Colle v. Brazos County*, 981 F.2d 237, 243 (5th Cir. 1993).